



## Utah State Law Library

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## Research Guide: Utah Attorney General Opinions and Related Attorney General Materials

### §1 Introduction

The Utah Attorney General serves as the state's legal adviser, criminal prosecutor and public advocate. The office of attorney general is established by the Utah Constitution,<sup>1</sup> and the duties of the attorney general are defined in the Utah Code.<sup>2</sup> The attorney general is elected to a four-year term, must be at least 25 years old, and admitted to practice law before the Utah supreme court.<sup>3</sup>

### §2 Reports

*Biennial report of the Attorney General.* Salt Lake City: Attorney General's Office, 1896-1972

Also known as *Annual reports*, (Series 00063) which is held by the Utah State Archives.

These reports contain information pertaining to court activities, finances and district attorneys' activities for the preceding year. They also contain AG opinions.

Paul Van Dam, *Utah Attorney General: 1992 Report*. Salt Lake City: Office of the Attorney General, 1992.

### §3 Opinions

One of the duties of the attorney general is to issue opinions advising the legislature, state officers, boards, commissions, and county or district attorneys on any question of law relating to their duties.<sup>4</sup> These opinions can be formal or informal. The attorney general cannot render opinions for municipal agencies or attorneys, or for the general public.

An attorney general opinion is not legally binding on the person who requested the opinion, but the attorney general may decline to represent the person if they disregard the opinion and litigation results. Attorney general opinions can be used as persuasive authority in court.

Early opinions of the attorney general were published in the annual/biennial reports, described above. Beginning in the mid-1980s the opinions were also published in the state's administrative bulletin.

Opinions (formal), 1945-ongoing (Series 07191)

Held by the Utah State Archives

State and local government agencies may present requests for opinions on questions of law to the Attorney General's Office. Formal opinions, while written by attorneys within the

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<sup>1</sup> Constitution of Utah, Article VII §16.

<sup>2</sup> Utah Code Ann. §67-5-1

<sup>3</sup> Constitution of Utah, Article VII §1 and 3.

<sup>4</sup> Utah Code Ann. §67-5-1(7)

Attorney General's Office, undergo scrutiny at several levels within the office. Once approved by the Attorney General, these are published and released as the official opinion of the Office rather than simply legal advice. Opinions usually include the initiating request, an opinion, and an index memorandum.

*[Opinions of the Utah Attorney General (Formal)]* [microform], Salt Lake City: Attorney General's Office, 1968-1990

Opinions (informal), 1969-[ongoing] (Series 20369)

Held by the Utah State Archives

From the Archives series description:

"The double digit number preceding the hyphen in the opinion number designates the year in which the opinion was filed. From 1969 to 1975, all of the informal opinions were written by one attorney, Homer Holmgren. All of the opinion numbers in this time frame are preceded by the letters HH. No informal opinions were issued in 1976. Informal opinions after 1976 were written by a number of attorneys at the Attorney General's Office and have no alphabetical heading on the opinion number.

[...] Unlike formal opinions, informal opinions do not undergo a scrutiny process and are not considered the opinion of the Office. Informal opinions may be considered to be legal advice. Opinions usually include the initiating request, an opinion, and an index memorandum."

*[Opinions of the Utah Attorney General (Informal)]* [microform], Salt Lake City: Attorney General's Office, 1969-1974 and 1977-1989.

The 1969-1975 informal opinions bear a HH suffix for Homer Holmgren opinions, explained above.

*State of Utah Bulletin*, Salt Lake City: State Archives and Records Service, 1978-1985.

Opinions were published in the Bulletin 1978-1980, and a list of opinions was published through the end of 1980.

*Utah State Bulletin*, Salt Lake City: Office of Administrative Rules, 1985-2003.

Opinions were published in the bulletin beginning in 1985. The Bulletin became an exclusively online publication in 2003.

Opinions – formal and informal – can also be obtained from the Attorney General's office. See contact information at the end of this guide.

### **§3.1 Online Opinions**

*Attorney General's Website*

1990-current

<http://attorneygeneral.utah.gov/agopinions.html>

*Lexis*

Database: UTAG (1977- )

*Westlaw*

Database: UT-AG (1977- )

### **§3.2 Opinions on Specific Subjects**

Opinions (property tax), 1929-1964 (Series 00180)

Held by the Utah State Archives

Opinions (sales tax), 1937-1964 (Series 20343)

Held by the Utah State Archives

### **§4 Indexes to and Digests of Opinions**

Opinions Index, 1917-1921 (Series 23312)

Held by the Utah State Archives

Opinions index cards, 1930-1964 (Series 06052)

Held by the Utah State Archives

Index Attorney General opinions: State of Utah, January 1, 1960-December 31, 1970.

Heinz Peter Mueller, *Index to Utah Attorney Generals' opinions ... with cross reference index of Utah code and Utah A.G. opinions and status reference to A.G. opinions.* 1968-[1989?]

Attorney General Opinion Index File [prepared by Jack Crellin]

24 mf, 1969-1973

Alphabetical by subject; handwritten.

*Digest of recent Attorney General opinions.* Published in Utah Bar Bulletin starting with v.23 no. 9-10 (Sept.-Oct. 1953), opinion no. 53-207 through v.24 no.5-6 (May-June 1954), opinion no. 54-043.

Opinion Digest, 1960-1974 (Series 20323)

Held by the Utah State Archives

Abstracts of the formal opinions, which include the opinion number, title, date, requesting agency, author and a summary of the opinion.

Vernon B. Romney, *Digest Attorney General opinions: State of Utah: July 1, 1970-June 30, 1972.* Salt Lake City: 1972.

### **§5 Additional Attorney General Materials**

Assistant Attorney General correspondence, 1969- (Series 00265)

Held by the Utah State Archives

Records not duplicated elsewhere that document how the office is organized and how it functions, its pattern of action, its policies, procedures and achievements.

Case files, 1898- (Series 00064)

Held by the Utah State Archives

These records document cases handled by the Attorney General's Office beginning early in the agency's history.

Opinion correspondence indexes, 1909-1916 (Series 11964)

Held by the Utah State Archives

Correspondence from the attorney general about AG opinions was indexed in these volumes (1909-1910, 1915-1916).

## **§6 Citation Format**

### **§6.1 Opinions published in the annual/biennial reports**

When Must Amendment or Repeal of a Section of State Constitution be Submitted to the People?, Op. Utah Att'y Gen. No. 34 (July 6, 1933), *reprinted in* 1934 Biennial Report of the Attorney General of the State of Utah at 143.

### **§6.2 Separately-Published Opinions**

Juvenile Drivers License Suspension Provisions, Op. Utah Att'y Gen. No. 97-1 (1997)

## **§7 Contact Information**

### **Utah Attorney General**

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